

“(e) BORROWER LIABILITY FOR FEES.—No borrower shall be liable for any fees which are not disclosed on an early settlement statement, except that the borrower is liable for such fees if—

“(1) the total amount charged for fees imposed by independent third parties is—

“(A) not more than 10 percent greater than that stated in the early settlement statement; or

“(B) greater than that allowed under subparagraph (A) because bona fide and reasonable expenses were incurred by such third parties for unanticipated inspection, appraisal, survey, or flood certification of the home which was the subject of such loan;

“(2) the mortgage originator provides a reasonable explanation of the circumstances surrounding the settlement of the loan of the borrower which were different than anticipated by the mortgage originator when the statement was provided; and

“(3) the mortgage originator does not engage in a pattern or practice of providing early settlement statements which disclose individual fees of independent third parties in different amounts than actually charged at settlement.

“(f) LIABILITY FOR FAILURE TO COMPLY.—

“(1) IN GENERAL.—Whoever fails to comply with any provision of this section shall be liable to the borrower for an amount equal to the sum of—

“(A) any actual damages to the borrower as a result of the failure; and

“(B) \$5,000 for each such instance of non-compliance.

“(2) COURT COSTS.—In addition to any amount under paragraph (1), in the case of any successful action brought by a borrower under this subsection, such borrower shall be reimbursed for the costs of the action, together with any attorneys fees incurred in connection with such action as the court may determine to be reasonable under the circumstances.

“(g) DEFINITION.—As used in this section, the term ‘mortgage originator’—

“(1) means any person who, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain—

“(A) takes a residential mortgage loan application; or

“(B) assists a consumer in obtaining or applying to obtain a residential mortgage loan; and

“(2) includes any person who makes loans directly or brokers loans for others.”.

(b) CONFORMING AMENDMENT.—Section 5(c) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(c)) is hereby repealed.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 375—AMENDING SENATE RESOLUTION 400, 94TH CONGRESS, AND SENATE RESOLUTION 445, 108TH CONGRESS, TO IMPROVE CONGRESSIONAL OVERSIGHT OF THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES, TO PROVIDE A STRONG, STABLE, AND CAPABLE CONGRESSIONAL COMMITTEE STRUCTURE TO PROVIDE THE INTELLIGENCE COMMUNITY APPROPRIATE OVERSIGHT, SUPPORT, AND LEADERSHIP, AND TO IMPLEMENT A KEY RECOMMENDATION OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

Mr. BURR (for himself, Mr. BAYH, Mr. SUNUNU, Ms. SNOWE, Mr. FEINGOLD, Mr. MCCAIN, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 375

Whereas the National Commission on Terrorist Attacks Upon the United States (referred to in this Resolution as the “9/11 Commission”) conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation;

Whereas in its final report, the 9/11 Commission found that congressional oversight of the intelligence activities of the United States is dysfunctional;

Whereas in its final report, the 9/11 Commission further found that under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

Whereas in its final report, the 9/11 Commission further found that as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

Whereas in its final report, the 9/11 Commission further found that a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership;

Whereas in its final report, the 9/11 Commission further found that the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed;

Whereas the 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities;

Whereas the 9/11 Commission recommended that the authorizing authorities and appropriating authorities with respect to intelligence activities in each house of Congress be combined into a single committee in each house of Congress;

Whereas Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing addi-

tional recommendations of the 9/11 Commission; and

Whereas the Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented: Now, therefore, be it

Resolved,

SECTION 1. PURPOSES.

The purposes of this resolution are—

(1) to improve congressional oversight of the intelligence activities of the United States;

(2) to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership;

(3) to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States (the “9/11 Commission”) that structural changes be made to Congress to improve the oversight of intelligence activities; and

(4) to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. INTELLIGENCE OVERSIGHT.

(a) AUTHORITY OF THE SELECT COMMITTEE ON INTELLIGENCE.—Paragraph (5) of section 3(a) of Senate Resolution 400, 94th Congress, agreed to May 19, 1976, is amended in that matter preceding subparagraph (A) by striking the comma following “authorizations for appropriations” and inserting “and appropriations.”.

(b) ABOLISHMENT OF THE SUBCOMMITTEE ON INTELLIGENCE.—Senate Resolution 445, 108th Congress, agreed to October 9, 2004, is amended by striking section 402.

SENATE RESOLUTION 376—PROVIDING THE SENSE OF THE SENATE THAT THE SECRETARY OF COMMERCE SHOULD DECLARE A COMMERCIAL FISHERY FAILURE FOR THE GROUND FISH FISHERY FOR MASSACHUSETTS, MAINE, NEW HAMPSHIRE, AND RHODE ISLAND AND IMMEDIATELY PROPOSE REGULATIONS TO IMPLEMENT SECTION 312(a) OF THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Mr. KERRY (for himself, Mr. KENNEDY, Ms. SNOWE, Mr. GREGG, Mr. SUNUNU, Mr. REED, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 376

Whereas the Secretary of Commerce may provide fishery disaster assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) if the Secretary determines that there is a commercial fishery failure due to a fishery resource disaster as a result of natural causes, man-made causes beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions

imposed to protect human health or the marine environment, or undetermined causes;

Whereas the Secretary of Commerce has not proposed or promulgated regulations to implement such section 312(a);

Whereas during 2007, the Governors of each of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island requested that the Secretary of Commerce declare a commercial fishery failure for the groundfish fishery under such section 312(a) and the Governor of the State of New Hampshire has indicated his intention of submitting a similar request;

Whereas since 1996, the Secretary of Commerce has had regulations in place that require significant restrictions and reductions on the catch and days-at-sea of New England fishermen in the groundfish fishery;

Whereas New England fishermen in the groundfish fishery have endured additional restrictions and reductions under Framework 42, which has resulted in many fishermen having just 24 days to fish during a season;

Whereas Framework 42 and other Federal fishing restrictions have had a great impact on small-boat fishermen, many of whom cannot safely fish beyond the inshore areas;

Whereas, as of the date of the enactment of this Act, each day-at-sea a fisherman spends in an inshore area reduces that fisherman's number of available days-at-sea by 2 days;

Whereas the Commonwealth of Massachusetts has provided information to the Secretary of Commerce demonstrating that between 1994 and 2006, overall conditions of groundfish stocks have not improved and that spawning stock biomass is near record lows for most major groundfish stocks;

Whereas the Commonwealth of Maine has provided additional information to the Secretary that between 2005 and 2006, total Massachusetts commercial groundfish vessel revenues (landings) decreased by 18 percent and there was a loss for related industries and communities estimated at \$22,000,000;

Whereas the State of Maine has provided information to the Secretary of Commerce indicating that since 1994, the impact of groundfish regulations have eliminated 50 percent of Maine's groundfish fleet, leaving just 110 active groundfish fishermen;

Whereas the State of Maine has provided additional information to the Secretary indicating that between 1996 and 2006, there was a 58 percent drop in groundfish landings in Maine and a 45 percent drop in groundfish revenue from approximately \$27,000,000 to \$15,000,000 and that between 2005 and 2006, groundfish revenues decreased 25 percent;

Whereas the State of Rhode Island has provided information to the Secretary of Commerce indicating that, since 1994, there has been a 66 percent drop in Rhode Island's groundfish fishery landings and, between 1995 and 2007, groundfish revenue decreased 20 percent from approximately \$7,500,000 to \$6,000,000;

Whereas the Secretary of Commerce rejected requests from Massachusetts, Maine, and Rhode Island to declare a commercial fishery failure prior to establishing any appropriate standard to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act; and

Whereas for centuries, growth in New England's commercial fishing industry has been intertwined with the history and economic growth of the New England States and has created thousands of jobs in both fishing and fishing-related industries for generations of New England residents: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Commerce should—

(1) reconsider the October 22, 2007 decision to deny the requests of the Commonwealth of Massachusetts, the State of Maine, and

the State of Rhode Island for a groundfish fishery failure declaration;

(2) look favorably upon the request of the State of New Hampshire for a groundfish fishery failure declaration; and

(3) immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

SENATE RESOLUTION 377—RECOGNIZING AND CELEBRATING THE CENTENNIAL OF OKLAHOMA STATEHOOD.

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was considered and agreed to:

S. RES. 377

Whereas, on November 16, 1907, Oklahoma officially became the 46th State of the Union;

Whereas the State of Oklahoma is known as the Sooner State;

Whereas the State of Oklahoma has become a national leader in agriculture, natural resource industries, technology, and manufacturing;

Whereas the people of Oklahoma have harvested the natural abundance of the State to produce a wealth which has enabled the building of cities, educational institutions, an unhurried pace of life, and a rich culture, while maintaining the pristine ecology;

Whereas the beautiful mountains, rivers, lakes, trees, plains, and fields of the State of Oklahoma are appreciated and preserved, and the quality of life is unsurpassed; and

Whereas, on November 16, 2007, the State of Oklahoma will begin a new century of statehood: Now, therefore, be it

Resolved, That the Senate recognizes and celebrates the centennial of Oklahoma statehood.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3597. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3598. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3599. Mr. FEINGOLD (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3600. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3601. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 901, to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; which was referred to the Committee on Health, Education, Labor, and Pensions.

SA 3602. Mr. DORGAN (for himself, Mr. ENZI, Mr. CONRAD, Ms. CANTWELL, Mr. JOHNSON, Mr. TESTER, Mr. BARRASSO, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2419,

to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3603. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3604. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3605. Mr. SMITH (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3606. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3607. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3608. Mr. MENENDEZ (for himself, Mr. REED, Mr. CARDIN, Mr. KENNEDY, Mr. KERRY, Mr. DODD, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. LAUTENBERG, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3609. Mr. CASEY (for himself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3610. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3611. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3612. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3613. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3614. Mr. DOMENICI (for himself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3615. Mr. GREGG (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.